Appl. No. 09/477,021
Amendment dated February 2, 2004
Reply to Office Action of December 17, 2003

Docket No. CISCO-1340

REMARKS

Claims 8, 18, 30, 38, 41, 42, 50 and 60 have been amended to further particularly point

out and distinctly claim subject matter regarded as the invention. The text of claims 9, 10, 12,

16, 17, 19, 20, 31, 32, 34, 36, 37, 39, 51, 52, 54, 61 and 62 is unchanged, but their meaning is

changed because they depend from amended claims.

The First 35 U.S.C. § 103 Rejection

Claims 1-7, 25-29, 40 and 43-49 stand rejected under 35 U.S.C. § 103(a) as being

allegedly unpatentable over Chuah et al.[1] in view of Holt et al.[2], among which claims 1, 25, 40

and 43 are independent claims. This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First
there must be some suggestion or motivation, either in the references themselves or in the
knowledge generally available to one of ordinary skill in the art, to modify the reference
or to combine reference teachings. Second, there must be a reasonable expectation of
success. Finally, the prior art reference (or references when combined) must teach or
suggest all the claim limitations. The teaching or suggestion to make the claimed
combination and the reasonable expectation of success must both be found in the prior
art, not in the applicant's disclosure.[3]

Specifically, the Office Action contends that the elements of the presently claimed

invention are disclosed in Chuah et al., except that Chuah et al. does not teach broadcasting a

message from said central database to a NAS list.[4] The Office Action further contends that Holt

---

[1] U.S. Patent 6,400,722
[2] U.S. Patent 6,070,192
[3] M.P.E.P § 2143.
[4] Office Action ¶ 4.

SV #154973 v1

Appl. No. 09/477,021
Amendment dated February 2, 2004
Reply to Office Action of December 17, 2003

Docket No. CISCO-1340

et al. teaches a list of NAS identifiers stored in the network controller and sending a status

indication to one or more NASes and that it would be obvious to one having ordinary skill in the

art at the time of the invention to incorporate Holt et al.'s NAS identifier list and status update

with the invention in Chuah et al. to include broadcasting a message from the central database to

a NAS list. The Applicant respectfully disagrees for the reasons set forth below.

The Office Action overall is vague on certain details which makes it very difficult to

frame a proper response. Applicant pointed out the lack of clarity in the last response to the final

office action, but Applicant's statements apparently have been ignored as it is still not clear from

the Office Action which portions of the prior art allegedly correspond to which elements of the

presently claimed invention.

More specifically, with regard to claim 1, the Office Action states that:

> Chuah discloses a method for centrally managing a computer network,
> including of:
> maintaining a central database of all NASes (Network Access Servers)
> known to the computer network (col. 1, lines 29-54 and col. 9, lines 10-48; plural
> inter-working function modules (IWFs) which are considered as network access
> servers (NASes) in the network; and col. 33, lines 45-53, col. 39, lines 28-54:
> NASes are connected to a data center);

Yet in the Response to Final Office Action filed on June 27, 2003, Applicant specifically

addressed these allegations and maintained that Chuan does not disclose a central database of all

NASes known to the computer network, but instead maintains a list of all IWFs known to the

home gateway. As was explained, even if IWFs are identical to NASes, Chuah still does not

disclose all NASes known to the computer network, only to the home gateway. Applicant

Appl. No. 09/477,021
Amendment dated February 2, 2004
Reply to Office Action of December 17, 2003

Docket No. CISCO-1340

explained in great detail why there would be a difference and why that difference would be important.

In the Response to Arguments section of the current Office Action, it is alleged in response to Applicant's argument that:

> Chuah discloses the POPs and the ISP's data center 14 are connected together over the intranet backbone through router 12A (col. 1, lines 29-54, col. 9, lines 10-48; plural inter-working function modules (IWFs) which are considered as network access servers (NASes) in the network; and col. 33, lines 45-53, col. 39, lines 28-54. In the same field of endeavor, Holt discloses a data access transport system comprising a plurality of network access server (NASes) and a network controller 12 connected to the network servers (col. 3, line 64 - col. 4, line 26). Holt also discloses a list of NAS identifiers stored in the network controller.[5]

Thus, the Office Action's allegations in the Response to Arguments section are contradictory to the Office Actions allegations in the body of the rejection. What is the Patent Office's position? Which piece of prior art allegedly teaches a central database of all NASes known to the computer network? Is it Chuah or Holt? If it is Chuah, why hasn't Applicant's argument regarding why Chuah only maintains a list of all IWFs known to the home gateway been considered?

Such lack of clarity makes it nearly impossible for the Applicant to respond to the rejection in a logical manner. The Patent Office's position appears to be that "the elements of your claim are taught somewhere in Chuah or Holt" but is contradictory as to where these elements are taught.

---

[5] Office Action ¶ 30.

SV #154973 v1

Appl. No. 09/477,021
Amendment dated February 2, 2004
Reply to Office Action of December 17, 2003

Docket No. CISCO-1340

Additionally, the Office Action states:

> However, Chuah does not disclose broadcasting a message from said central database to a NAS list. In the same field of endeavor, Holt discloses a data access transport system comprising a plurality of network access server (NASes) and a network controller 12 connected to the network servers (col. 3, line 64 - col. 4, line 26) and a network controller 12 connected to the network servers (col. 3, line 64 - col. 4, line 26). Holt also discloses a list of NAS identifiers stored in the network controller (database) and, in addition, Holt discloses the network controller 12 may send a status indication to one or more NAS (col. 10, lines 25-46. and col. 12, line 27 - col. 13, line 7). Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Holt and Chuah to include broadcasting a message from said central data to a NAS list. Holt suggests that the network controller 12 send a status indication to the network access servers to updates its information.[6]

In this quotation, the Office Action has apparently alleged that the network controller in Holt is equivalent to a central database of the present invention. However, assuming that is true, Applicant is unclear how the fact that the network controller sends a status update to a NAS is equivalent to a central database broadcasting a message to a NAS list. The Patent Office is apparently confusing a NAS (as shown in Holt), with a NAS <u>list</u> located at each PoP. These are not equivalent structures. One is a device (a NAS), and one is a list of devices (NAS list).

Neither Chuah nor Holt teaches or suggests broadcasting a message from the central database to a NAS list located at each PoP. This is due to the fact that neither Chuah nor Holt teaches or suggest BOTH a central database and a local database of NASes. Each of the references only has a single database. Logically, one cannot teach a step of sending something from one database to another database if only one database is taught. Furthermore, the presence of one element in a first reference and the presence of a second element in a second reference

---

[6] Office Action ¶ 4.

SV #154973 v1

Appl. No. 09/477,021
Amendment dated February 2, 2004
Reply to Office Action of December 17, 2003

Docket No. CISCO-1340

does not make it inherently obvious to have an invention that has BOTH the first element and second element. There must be some motivation to combine the references. Therefore, there must be some motivation to have BOTH a central database and a local database, as opposed to one or the other. There is no evidence in either Chuah or Holt of any advantage that would be gained by having both a central and a local database.

For these reasons, Applicant respectfully maintains that claim 1 is in condition for allowance. Claims 25, 40 and 43 contain similar limitations and thus are also in condition for allowance. As to claims 2-7, 26-29 and 43-49, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

The Second 35 U.S.C. § 103 Rejection

Claims 8-24, 30-39, 41, 42 and 50-66 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Holt et al. in view of Chuah et al., among which claims 8, 18, 30, 38, 41, 42, 50 and 60 are independent claims. This rejection is respectfully traversed.

The Office Action states that Holt discloses "accessing a list of network access servers (NASes) and the computer network (col. 10, lines 36-46)."[7] Applicant maintains that the element had indicated that the list of NASes was a list of NASes known to both the PoP and a computer network containing the PoP. However, the Office Action is apparently assuming the "and" corresponds to the another element that is being accessed. Claims 8, 18, 30, 38, 41-42, 50, 60 has been amended to make this more clear.

_____

[7] Office Action ¶ 13.

SV #154973 v1

Appl. No. 09/477,021.
Amendment dated February 2, 2004
Reply to Office Action of December 17, 2003

Docket No. CISCO-1340,

As such, Holt does not teach or suggest accessing a list of NASes known to the PoP and known to a computer network containing the PoP. Holt discloses a network controller that corresponds to a single NAS. Thus, the network controller itself is located at the PoP. The list in Holt only contains NASes known to the PoP, not to a computer network containing the PoP. Much like Chuah, this limits the ability of Holt's invention to handle traffic from NASes outside the PoP. These arguments were well discussed in the Response to Final Office Action filed June 27, 2003 and will not be repeated here.

As discussed above, neither Chuah nor Holt teaches or suggests BOTH a central database and a local database. Likewise, neither Chuah nor Holt teaches or suggests a local database that contains a list of NASes known to BOTH the PoP and to the network containing the PoP. Furthermore, there is no motivation in either Chuah or Holt to extend the list of NASes outside of the local realm of control.

For these reasons, Applicant respectfully maintains that claim 8 is in condition for allowance. Claims 18, 30, 38, 41-42, 50, and 60 contain similar limitations and thus are also in condition for allowance. As to claims 9-17, 19-24, 31-37, 39, 51-59, and 61-66, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Appl. No. 09/477,021
Amendment dated February 2, 2004
Reply to Office Action of December 17, 2003

Docket No. CISCO-1340

Dependent Claims

The argument set forth above is equally applicable here. The base claims being

allowable, the dependent claims must also be allowable.

In view of the foregoing, it is respectfully asserted that the claims are now in condition

for allowance.

Request for Allowance

It is believed that this Amendment places the above-identified patent application into

condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this

application, the Examiner is invited to call the undersigned attorney at the number indicated

below.

Respectfully submitted,
THELEN REID & PRIEST LLP

Dated: 2/2/04

Marc S. Hanish
Reg. No. 42,626

THELEN REID & PRIEST LLP
P.O. Box 640640
San Jose, CA 95164-0640
Tel. (408) 292-5800
Fax (408) 287-8040

SV #154973 v1